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MEMO ENDORSED

VIA ECF
Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Re: Crede CG III, Ltd. v. 22nd Century Group, Inc., No. 1:16-cv-03103-KPF

Dear Judge Failla:

As you may recall, we represent Plaintiff Crede CG III, Ltd. in this matter. We write to request a brief adjournment of the Initial Conference scheduled for February 10, 2017 in this case. Counsel for Plaintiff has a deposition scheduled for February 10 in another matter which presents a conflict with the Conference as currently scheduled. As such, we respectfully request that the Conference be adjourned to February 21, 2017 at 4pm, as we understand that date and time to be acceptable to the Court, and the deadline to submit the Proposed Civil Case Management Plan and Scheduling Order be extended to February 16, 2017.

We have consulted with counsel for Defendant 22nd Century Group, Inc. and they are available to conduct the Conference at the requested time and do not oppose this request.

We respectfully request that Your Honor grant the proposed adjournment.

Respectfully submitted,

Brian A. Katz

Brian A. Katz

cc: Counsel for Defendant (via ECF)

Application GRANTED. The Initial Pretrial Conference scheduled for February 10, 2017, is hereby adjourned to February 21, 2017, at 4:00 PM in room 618 of the Thurgood Marshall Courthouse. The parties' joint letter and case management plan must be submitted on or before February 16, 2017.

SO ORDERED.

Dated: February 1, 2017
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE